

Magistrate Judge Benton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KOU WEI CHIU,

Defendant.

NO. MJ07-353M

SECOND STIPULATED MOTION
TO EXTEND TIME TO
FILE INDICTMENT
18 U.S.C. § 3161(h)(8)(A)

The United States of America by and through Jeffrey Sullivan, United States Attorney for the Western District of Washington, and Mike Lang, Assistant United States Attorney for said District, and Kou Wei Chiu, by and through his attorney, Peter Friedman, hereby jointly move the Court for a second order extending the time for filing an indictment in the above-captioned matter.

The defendant, Kou Wei Chiu, was arrested on July 26, 2007, based on a criminal complaint charging him with one count of false information and threats to bomb, in violation of Title 49, United States Code, Section 46507. His initial appearance was held before Magistrate Judge Benton, who released him on bond on July 30, 2007. Mr Chiu is now working and living in his home state of Tennessee.

The parties filed a Stipulated Motion to extend the time for filing an indictment, based on pre-charging efforts to resolve the case. On August 21, 2007, the Honorable Mary Alice Theiler signed an Order Granting Stipulated Motion to Extend Time to File Indictment.

1 Since that initial order was signed, Dr. Chiu has undergone an extensive forensic
 2 psychiatric evaluation, and a lengthy (49 page) written report has been completed. This report
 3 was provided to the government on Tuesday, October 9, 2007. The government is now
 4 reviewing the findings and conclusions set forth in that report, and is determining whether to
 5 seek its own forensic evaluation. The parties also remain engaged in efforts to resolve this case
 6 short of trial.

7 Accordingly, the parties hereby move the Court for a second order extending the time
 8 within which an Indictment shall be filed, on the grounds that the ends of justice served by a
 9 continuance outweigh the best interest of the public and the defendant in a speedy trial. The
 10 parties further move the Court to find that any period of delay resulting from this continuance
 11 shall be excludable time for the purposes of computing the time limitations imposed by the
 12 Speedy Trial Act, 18 U.S.C. §§ 3161-3174.

13 Defense counsel represents to the Court that the defendant agrees to a continuance of the
 14 time within which an indictment must be filed, and the defendant will execute and file a Waiver
 15 of Speedy Trial, waiving his rights under the Sixth Amendment and the Speedy Trial Act, 18
 16 U.S.C. §§3161-3174, and agreeing that the period from October 26, 2007, until December 10,
 17 2007 shall be an excludable period of time pursuant to 18 U.S.C. § 3161(h)(8)(A).

18 DATED this 11th day of October, 2007.

19 Respectfully submitted,

20 JEFFREY SULLIVAN
 21 United States Attorney

22 s/MIKE LANG
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s/ Per Telephonic Approval
 PETER FRIEDMAN
 Attorney for Kou Wei Chiu

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

s/JANET K. VOS

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